

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION TWO
67
85 JAN -8 PM 1:40
STATE OF WASHINGTON
BY [Signature]
DEPUTY

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
)
 VERNON L. HAFFNER,)
)
 Appellant.)

No. 35030-1-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, _____, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

See attached for additional

Additional Ground 2

CERTIFICATE OF SERVICE
I certify that I mailed
1 copies of 310
to Mr. Krome
& 11/10/07
Date Signed [Signature]

If there are additional grounds, a brief summary is attached to this statement.

Date: 1/4/07

Signature: Vern L Haffner

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COURT OF APPEALS
DIVISION III
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06 JAN -8 PM 1:41
STATE OF WASHINGTON
BY _____
DEPUTY

COURT OF APPEALS
DIVISION ~~III~~
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

NO. 35030-1-II

RESPONDENT,

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

V.

VERNON L. HAFFNER.

APPELLANT.

I would ask that the COURT OF APPEALS review my claim of the states witness failing to positively identify the defendant in a photo montage or a line up.

Was the defendants trial attorney ineffective by not moving for certain jury instructions or challenging, the prosecutions line up identification, when the witness was not able to positively identify the defendant.

In the Verbatin report of proceeding.

RP page 19, line 8, 9, 10, 11, and 22, 23, 24.

RP page 20 line 10, 11, 12, 13, 14, 15, and 20, 21, 22, 23, 24, 25.

RP page 21 line 1, 2.

Direct examination:

RP page 22 line 14, 15, 16, 17, 18, 18, 19, 20, 21, 22, 23, 24, and 25.

RP Cross examination.

Page 25 line 7, 8, 9, 18;

Page 26 line 23, 24, and 25.

On cross examination

RP page 27 line 1,2,and 4,5.and 12,13,14,15,16,17,18,19,20,and21.

RP page 28. line 2,3,4,5,and6.

RP page 29. line 1,2,3,4,5,6,7,8,9and 17,18,and2021,22,25.

RP page 30. line 15,16,17,18.

RP page 31. line 7,8,9,11,12,13,14,15,16,17,18,19,20,21,and22.

ON direct:

RP page 84. line 7,8,9,10,11,12,13,14,15,and16.

On cross examination.

RP page 85 line 4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,and 19.

RP page 86 line 2,3,4,5,and 8,9,10,and 13,14,15,16,17,18,19,and20.

RP page 86 line 25,

RP page 87 line 1,2,,34,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20
and 21.

Defense closing argument:

RP page 289 line 16,17,18,19,20,21,22,23,24,and25.

RP page 290 line 1,2,3,4,5,6,7,8,9,and10,and 18,19,20,21,22,23,24,and25.

RP page 291 line 1,2,3,4,5,and 6.

I'll ask that the appeals court read the court tran-scrips

to see that out of court identifications are inadmissible if obtained
through overly suggestive procedures.

The court must, first examine whether or not the out of court identification
proceure was so impermissibly suggestive,as to give rise to a very
substantial likelihood of irrcparable misidentification .

Sincerely



#746433 BMU 3A-3

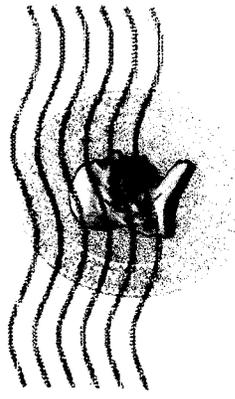
Wash. State Penitentiary

1313 N 13th Ave

Walla Walla Wash

99362

VERNON A. FENNER
746433 8MIL3H 3
Washington State Penitentiary
1313 N 13th Ave
Walla Walla Washington 99362



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Court of Appeals, Division II
950 Broadway, Suite 300
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